



THE SENATE
STATE OF NEW YORK

JOHN J. BONACIC
SENATOR, 40TH DISTRICT

77413
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COMMERCE, ECONOMIC DEVELOPMENT
& SMALL BUSINESS
JUDICIARY
LABOR
LOCAL GOVERNMENT

June 18, 2002

The Honorable Donald Evans, Secretary
U.S. Department of Commerce
Room 5854
14th & Constitution Ave. NW
Washington, DC 20230

Dear Secretary Evans:

I am writing to request that you take action to overturn a recent New York Department of State decision related to the Millennium natural gas pipeline project.

Based on the merits of this project, every agency that has reviewed Millennium's plan for crossing the Hudson River within the parameters of the Coastal Zone Management program, with the exceptions of DOS, has concluded that the crossing method is acceptable. This includes the NY Department of Environmental Conservation (DEC), National Marine Fisheries (NMFS), the US Environmental Protection Agency (EPA), and most significantly, the Federal Energy Regulatory Commission (FERC).

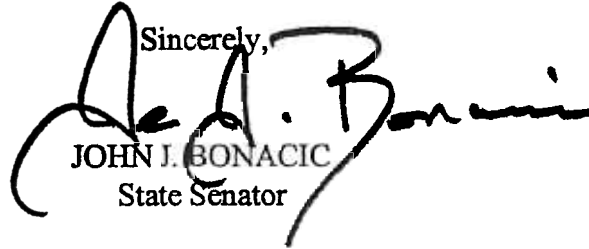
Millennium has been working for nearly five years to secure the necessary approvals and permits for the significant energy infrastructure project. In December last year, after extensive review, the FERC granted approval for this project, determining that it is in the public interest, and noting in particular the growing energy needs of our state.

Beyond addressing our undeniable need for clean, reliable and economical energy, the addition to the Millennium pipeline will result in increased tax revenues for our local governments, employment for thousands of union construction workers. It will also allow New York to meet federal clean air standards.

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Energy reliability and security are essential to New York's future. I encourage you to make the decision allowing this energy project to proceed.

Sincerely,

JOHN J. BONACIC
State Senator

JJB:acr
CC: Brent Archer
Lynn Muller



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

AUG 5 2002

Senator John J. Bonacic
The Senate, State of New York, Albany
Legislative Office Building, Room 815
Albany, New York 12247

Dear Senator Bonacic:

Thank you for your letter to the Secretary of Commerce Donald L. Evans, concerning the Coastal Zone Management Act (CZMA) consistency appeal of the Millennium Pipeline Company, L.P. (Millennium) to the objection of the New York Department of State which administers New York's federally approved coastal management program pursuant to the CZMA. Under the CZMA (16 USC 1456(c)(3)(A) and its implementing regulations (15 CFR 930 Subpart H) when an applicant for a federal license or permit proposes an activity affecting the coastal uses or resources of a state with a federally approved coastal management program, a state may object if the proposed activity is not consistent with the state's coastal management program. After receiving a state objection, an applicant, in this case Millennium, may appeal to the Secretary of Commerce seeking an override of the state's objection. The Secretary of Commerce may override the state's objection if the administrative record shows that the applicant proposed activity is consistent with the objectives of the CZMA or necessary in the interest of national security.

In this case, Millennium has appealed to the Secretary of Commerce and an administrative record for his decision is being prepared. Your letter will be added to the administrative record. There will be a time for public comment during the appeal process and this office encourages you to submit your comments at that time. The public comment period will be announced in the local newspapers in the area of the proposed activity as well as in the Federal Register.

Thank you for your interest in the Federal Consistency procedures of the CZMA.

Sincerely,

Karl D. Gleaves
Assistant General Counsel
for Ocean Services

